

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
ROY DEN HOLLANDER,

Plaintiff,

-against-

DEBORAH SWINDELLS DONOVAN, PAUL W.  
STEINBERG, and JANE DOE.

Defendants.

**MEMORANDUM AND ORDER**

No. 08-CV-4045 (FB) (LB)

-----X

*Appearance:*

*For the Plaintiff:*

ROY DEN HOLLANDER, ESQ., *pro se*  
545 East 14th St. Apt. 10D  
New York, NY 10009

*For the Defendant Deborah Swindells  
Donovan:*

JOSHUA S. HURWIT, ESQ.  
GORDON & REES LLP  
90 Broad Street, 23rd Floor  
New York, NY 10004

*For the Defendant Paul W. Steinberg:*

PAUL W. STEINBERG, ESQ., *pro se*  
14 East Fourth Street  
New York, NY 10012-1141

**BLOCK, Senior District Judge:**

The Court hereby informs the parties that it intends to treat defendants' motion to dismiss as a motion for summary judgment under Fed. R. Civ. P. 56. The parties shall submit to the Court all pertinent materials by December 18, 2009, including materials addressing whether the defendants' use of plaintiff's works is protected under the fair use doctrine. *See NXIVM Corp. v. Ross Institute*, 364 F.3d 471, 476 (2d Cir. 2004) (discussing statutory defense of fair use under 17 U.S.C. § 107).

Defendants shall notify plaintiff of Court's determination pursuant to Local Rule

12.1.

**SO ORDERED.**

---

FREDERIC BLOCK  
Senior United States District Judge

Brooklyn, NY  
November 18, 2009